

## Remarks

### *A. Status*

Claims 1-8 and 20-28 were, and remain, pending. Claim 27 has been amended. No new matter has been added.

### *B. Double Patenting Rejections*

All the pending claims (claims 1-8 and 20-28)<sup>1</sup> stand rejected under an obviousness-type double patenting rejection in view of U.S. Patent No. 6,294,063. Claim 4 stands rejected under an obviousness-type double patenting rejection in view of U.S. Patent No. 6,294,063 in combination with Masahiro.

Applicants are filing a terminal disclaimer attached behind Tab 1 to overcome these rejections. As the Office (and public) should be aware, the filing of a terminal disclaimer does not create any estoppel or presumption regarding the merits of the rejection. *Quad Environmental Tech. Corp. v. Union Sanitary Dist.*, 946 F.2d 870 (Fed. Cir. 1991).

### *C. Section 112 Rejections*

Claim 27 stands rejected under 35 U.S.C. § 112, second paragraph. Applicants appreciate the Examiner's notation of an inadvertent antecedent-basis error in claim 27, which has been corrected to overcome this rejection.

### *D. Conclusion*

Applicants respectfully assert that the application is in condition for allowance. If there are any questions or concerns, the Examiner is invited to contact the undersigned attorney at 512-536-3018 or by e-mail at mbarrett@fulbright.com.

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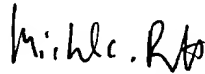
<sup>1</sup> It appears a discussion of claim 7 was inadvertently omitted from the present Office Action. Applicants response, however, encompasses claim 7 as well.

### **Request for Extension of Time**

Applicants petition for an extension of time of one month up to and including December 24, 2004 in which to respond to the present Office Action. A check is enclosed for the one-month extension of time.

If the check is inadvertently omitted, or should any additional fees be required for any reason, or should an overpayment be included, the Office is authorized to deduct or credit Fulbright & Jaworski Deposit Account No. 50-1212/UTXC:569USC1/MCB.

Respectfully submitted,



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